

## Coast Guard, DHS

## § 155.4050

city, you must ensure the listed salvage and marine firefighting services are capable of reaching a point 12 miles from the harbor of the COTP city within the nearshore area response times listed in Table 155.4030(b).

(5) If your vessel is transiting between 12 and 50 miles from an OCONUS COTP city, you must ensure the listed salvage and marine firefighting services are capable of reaching a point 50 miles from the harbor of the COTP city within the offshore area response times listed in Table 155.4030(b).

(6) If your vessel transits inland waters or the nearshore or offshore areas OCONUS, but is more than 50 miles from a COTP city, you must still contract for salvage and marine firefighting services and provide a description of how you intend to respond and an estimated response time when these services are required, however, none of the time limits listed in Table 155.4030(b) will apply to these services.

### **§ 155.4045 Required agreements or contracts with the salvage and marine firefighting resource providers.**

(a) You may only list resource providers in your plan that have been arranged by contract or other approved means.

(b) You must obtain written consent from the resource provider stating that they agree to be listed in your plan. This consent must state that the resource provider agrees to provide the services that are listed in §§ 155.4030(a) through 155.4030(h), and that these services are capable of arriving within the response times listed in Table 155.4030(b). This consent may be included in the contract with the resource provider or in a separate document.

(c) This written consent must be available to the Coast Guard for inspection. The response plan must identify the location of this written consent, which must be:

(1) On board the vessel; or

(2) With a qualified individual located in the United States.

(d) Public marine firefighters may only be listed out to the maximum extent of the public resource's jurisdiction, unless other agreements are in place. A public marine firefighting re-

source may agree to respond beyond their jurisdictional limits, but the Coast Guard considers it unreasonable to expect public marine firefighting resources to do this.

### **§ 155.4050 Ensuring that the salvors and marine firefighters are adequate.**

(a) You are responsible for determining the adequacy of the resource providers you intend to include in your plan.

(b) When determining adequacy of the resource provider, you must select a resource provider that meets the following selection criteria to the maximum extent possible:

(1) *Resource provider* is currently working in response service needed.

(2) *Resource provider* has documented history of participation in successful salvage and/or marine firefighting operations, including equipment deployment.

(3) *Resource provider* owns or has contracts for equipment needed to perform response services.

(4) *Resource provider* has personnel with documented training certification and degree experience (Naval Architecture, Fire Science, etc.).

(5) *Resource provider* has 24-hour availability of personnel and equipment, and history of response times compatible with the time requirements in the regulation.

(6) *Resource provider* has on-going continuous training program. For marine firefighting providers, they meet the training guidelines in NFPA 1001, 1005, 1021, 1405, and 1561 (Incorporation by reference, see § 155.140), show equivalent training, or demonstrate qualification through experience.

(7) *Resource provider* has successful record of participation in drills and exercises.

(8) *Resource provider* has salvage or marine firefighting plans used and approved during real incidents.

(9) *Resource provider* has membership in relevant national and/or international organizations.

(10) *Resource provider* has insurance that covers the salvage and/or marine firefighting services which they intend to provide.

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(11) *Resource provider* has sufficient up front capital to support an operation.

(12) *Resource provider* has equipment and experience to work in the specific regional geographic environment(s) that the vessel operates in (e.g., bottom type, water turbidity, water depth, sea state and temperature extremes).

(13) *Resource provider* has the logistical and transportation support capability required to sustain operations for extended periods of time in arduous sea states and conditions.

(14) *Resource provider* has the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard the health and safety of their workers when providing salvage and marine firefighting services.

(15) *Resource provider* has familiarity with the salvage and marine firefighting protocol contained in the local ACPs for each COTP area for which they are contracted.

(c) A *resource provider* need not meet all of the selection criteria in order for you to choose them as a provider. They must, however, be selected on the basis of meeting the criteria to the maximum extent possible.

(d) You must certify in your plan that these factors were considered when you chose your resource provider.

**§ 155.4052 Drills and exercises.**

(a) A vessel owner or operator required by §§155.1035, 155.1040, 155.5035 to have a response plan shall conduct exercises as necessary to ensure that the plan will function in an emergency. Both announced and unannounced exercises must be included.

(b) The following are the minimum exercise requirements for vessels covered by this subpart:

(1) Remote assessment and consultation exercises, which must be conducted quarterly;

(2) Emergency procedures exercises, which must be conducted quarterly;

(3) Shore-based salvage and shore-based marine firefighting management team tabletop exercises, which must be conducted annually;

(4) Response provider equipment deployment exercises, which must be conducted annually;

(5) An exercise of the entire response plan, which must be conducted every three years. The vessel owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every three years. All of the components do not have to be exercised at one time; they may be exercised over the 3-year period through the required exercises or through an area exercise; and

(6) Annually, at least one of the exercises listed in §155.4052(b)(2) and (4) must be unannounced. An unannounced exercise is one in which the personnel participating in the exercise have not been advised in advance of the exact date, time, or scenario of the exercise.

(7) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the vessel response plan exercise requirements. These guidelines are available on the Internet at <https://Homeport.uscg.mil/exercises>. Once on that Web site, select the link for “Preparedness for Response Exercise Program (PREP)” and then select “Preparedness for Response Exercise Program (PREP) Guidelines”. Compliance with an alternate program that meets the requirements of 33 CFR 155.1060(a) and 155.5061, and has been approved under 33 CFR 155.1065 and 155.5065 will also satisfy the vessel response plan exercise requirements.

[USCG–1998–3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG–2008–1070, 78 FR 60124, Sept. 30, 2013]

**§ 155.4055 Temporary waivers from meeting one or more of the specified response times.**

(a) You may submit a request for a temporary waiver of a specific response time requirement, if you are unable to identify a resource provider who can meet the response time.

(b) Your request must be specific as to the COTP zone, operating environment, salvage or marine firefighting service, and response time.

(c) Emergency lightering requirements set forth in §155.4030(b) will not be subject to the waiver provisions of this subpart.

(d) You must submit your request to the Commandant, Director of Prevention Policy (CG–54), via the local COTP